REMARKS

Three paragraphs of the specification have been amended to correct typographical errors. No new matter has been added.

Independent claims 1, 12, 25, 28, and 39 have been amended to reflect processing of a packet at a layer 2 or a higher layer. This is supported by the fact well-known to a person having an ordinary skill in the art that a packet is processed in the layers 2 and 3 of the seven-layer OSI (Open System Interconnect) model.

I. Examiner's Response to Applicant's Arguments

The Examiner has stated that he has not found our argument persuasive that our invention differs form the Howe reference (US Pat. No. 6,611,519, hereinafter Howe) because our invention operates at layer 2 whereas Howe operates at layer 1. The Applicant respectfully states that each of the currently amended independent claims includes processing at layer 2 or a higher layer. Further, packet switching is inherently done at layer 2 (some switching related to Quality of Service, or QoS, may be accomplished at layer 3) as is known by a person having an ordinary skill in the art. This is also supported by a printout from the web site of Nortel Networks which describes the switching

at layers 2 and 3. (Please see: http://www.nortel.com/solutions/ enterprise/enabling_tech/layer2-3/index.html as printed on August 10, 2006).

Therefore, there is not a need to specify the layer at which other steps of independent claims of the Applicant occur.

Moreover, the term "packet" as understood by a person having an ordinary skill in the art, describes a group of bits with appended address bits, sender identification bits, and/or other control bits. Further, the layer 1 (Physical Layer) is well-known to be concerned only with a bit transmission. (Appropriately highlighted copies of pages 783, and 774-775 from *Digital and Analog Communication Systems*, by Leon Couch II, Fourth Edition, 1993, are attached herewith. A copy of the publishing history page is also enclosed.) Since the layer 1 handles information only at the bit level, in contrast to a group of bits, e.g., a packet or a frame or a cell or a similar unit, a mention of the term "packet" inherently conveys to a person having an ordinary skill in the art that all processing or switching will be done in the layers 2 and 3 and not in layer 1.

Therefore, the mere mention of the term "packet" clearly conveys the layer at which the switching or routing will take place.

On referring to the teachings of Howe as disclosed in the column 4, lines 12-42, Howe specifically limits all switching and transmission to layer 1. To the extent Howe discloses a layer 2 processing of a packet, as seen in column 32, lines 1-4, and 18-26, such processing is required because such address/routing information pertains to layers 2 and 3 and Howe schedules and transmits packets at layer 1. Stated differently, Howe needs to extract the layer 2 and layer 3 information from a packet in order to make the packet usable for layer 1. Accordingly, the Applicant wishes to reemphasize that Howe teaches away from processing at layer 2. Next, by stating "packets" in his claims, the Applicant has recited the limitations he relies upon. Consequently, the invention of the Applicant is not anticipated by Howe and, therefore, is patentably distinct.

II. Rejection of Claims Under 35 USC § 102(e)

The Examiner has rejected claims 1-44 under 35 U.S.C. 102(e) as being anticipated by Howe. The Applicant respectfully traverses the rejection.

As discussed above, the independent claims 1, 12, 25, 28, and 39 have been amended to reflect processing of a packet at a layer

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2 or a higher layer. This renders all the independent claims patentably distinct over the teachings of Howe.

Further, it is well-known in the art that packet switching is inherently done at layer 2 while some switching related to Quality of Service, or QoS, for example, may be accomplished at layer 3.

Lastly, the term "packet" as understood in the art, means a group of bits with appended address bits, sender identification bits, and/or other control bits. Since layer 1 handles information only at the bit level, in contrast to a packet or a frame or a cell or a similar unit, a mention of the term "packet" inherently conveys to a person having an ordinary skill in the art that all processing or switching will be done in the layers 2 and 3 and not in layer 1.

Therefore, for at least the reasons stated above, the independent claims 1, 12, 25, 28, and 39 are patentably distinct and satisfy all the requirements of 35 U.S.C. § 102(e). Accordingly, the Examiner is respectfully requested to withdraw the rejections.

Claims 2-11 and 31-36 depend directly or indirectly from claim 1 and recite additional features. Similarly, claims 13-24 and 37 depend directly or indirectly from claim 12 and recite additional features; claims 26-27 depend directly or indirectly

from claim 25 and recite additional features; claims 29-30 depend directly or indirectly from claim 28 and recite additional features; and claims 40-44 depend directly or indirectly from claim 39 and recite additional features. As the respective independent claims are patentably distinct and in allowable form, these dependent claims are also patentably distinct and in allowable form.

Therefore the Examiner is respectfully requested to withdraw the rejection of all of the above-mentioned dependent claims.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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